



April 13, 2009

The Honorable Gary Locke
Secretary
U.S. Department of Commerce
1401 Constitution Ave., N.W.
Washington, D.C. 20230

The Honorable Tom Vilsack
Secretary
U.S. Department of Agriculture
1400 Independence Ave., S.W.
Washington, D.C. 20250

The Honorable Anna Gomez
Acting Assistant Secretary, Deputy Assistance Secretary for Communications and Information
Office of the Assistant Secretary
National Telecommunications Information Administration
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Re: Joint Notice for National Telecommunications Information Administration and Rural Utilities
Service Broadband Initiatives Docket No. 090309298-9299-01

Dear Secretary Locke, Secretary Vilsack and Assistant Secretary Gomez:

I am writing in response to the March 12, 2009, joint notice for the U.S. Department of Commerce National Telecommunications and Information Administration (NTIA) and U.S. Department of Agriculture Rural Utilities Service (RUS) regarding requested information on the American Recovery and Reinvestment Act Broadband Initiatives. The National Association of State Chief Information Officers (NASCIO) is grateful for the opportunity to provide comments on the questions and stands ready to assist the agency in evaluating the merits of any such program.

NASCIO is the premier network and resource for state CIOs and a leading advocate for technology policy at all levels of government. NASCIO represents state chief information officers and information technology executives from the states, territories, and the District of Columbia. The primary state government members are senior officials who have executive level and statewide responsibility for information technology leadership. State officials who are involved in agency level information technology management may participate as state members.

States are well-positioned to assist NTIA and RUS in implementing the goals in ARRA. A portion of the ARRA funds are dedicated to expanding broadband across the nation specifically to underserved and unserved areas. This \$7.2 billion down payment is to help build the nation's economy for the future and invest in our digital infrastructure that is the backbone of our economy. NASCIO members want to

make sure that funding is spent efficiently and effectively in order to provide more citizens with access to broadband. Our members also want NTIA and RUS to coordinate broadband investments in the states to ensure that approved projects do not conflict with state broadband plans. NASCIO members are recommending the following to assist NTIA and RUS with determining the role of the states.

1) **Timeline:** An overarching issue associated with the Broadband Technology Opportunities Program (BTOP) is the enormous pressure of its timelines, in the context of:

- a. BTOP's diversity of goals,
- b. undefined terms (broadband, served, un-served, under-served), variances in state progress in broadband mapping and implementation,
- c. the lack of an identified model for states and a national plan,
- d. the technical complexity of broadband roll-out, and
- e. the readiness or lack of readiness to administer an unprecedented level of funding for both federal and state entities who must manage and/or participate.

At the same time, there is tremendous and broad commitment in the public and private sectors to meeting BTOP goals, and a wonderful opportunity, provided a sufficient degree of planning and integration of effort exists. However, with the aggressive timelines and lack of defined parameters, both federal and state governments need adequate risk management to prevent wasteful use of broadband funds.

The remainder of NASCIO's comments focus on elements we believe must be addressed to ensure successful and accountable execution of the grant and loan programs and a national broadband implementation.

2) **State's Administrative Role:** NASCIO considers it imperative that state governors be given the authority to coordinate broadband investments in their states, and to do so in the context of all other ARRA funding they receive.

- a. Previously designated individuals, lead agencies, or multi-agency task forces working on broadband initiatives are best positioned to determine state needs and priorities.
- b. Model task forces will include participation of public utility/regulatory commissions, economic development agencies, state CIOs, and private sector providers.
- c. BTOP funding must be used to support states' administration of BTOP-related programs and technical review of projects.

3) **State Grant/Loan Ranking and Administration Responsibilities:**

- a. A state-based grant review-management workflow must be in place to ensure projects integrate both with prior broadband planning and initiatives, as well as cross-boundary projects being undertaken with other ARRA funding streams or separately funded initiatives.
 - i. An enterprise view of projects maximizes return on stimulus investments
 - ii. Because synergies between broadband and other funding streams only become visible at a state level, this is the only way to guarantee funding is both appropriately targeted and accountably spent.
- b. Where states have well-developed broadband plans, they should play a direct role in evaluating grant applications to ensure proposed projects are consistent with the state plan. Using a state-based system, each state should review all applications for in-state projects

based on general NTIA/RUS-defined criteria and their consistency with the state's strategic broadband plan.

- c. States with incomplete strategic broadband plans for broadband should rank in-state projects based on NTIA/RUS-defined criteria.
 - d. In awarding grants or loans, NTIA/RUS should be guided by state rankings to the greatest extent possible, but must play an adjudicative role where states themselves submit proposals that compete with other projects. Again, state strategic broadband plans should guide this process, where these plans are consistent with generally-defined NTIA/RUS criteria.
- 4) **Mapping:** Definitions and standards are needed to ensure state-level mapping can be meaningfully rolled up into the national map posited by ARRA.
- a. Establish joint federal/state workgroup to define standards
 - i. Defined levels of granularity
 - ii. Standardized reporting
 - b. Department of Justice and EPA examples of jointly developed data and reporting standards promulgated through cooperative federal-state initiatives should serve as the model for defining technical mapping standards.
 - c. FCC Form 477 map data furnished by providers should be made available to states to augment existing maps.
 - d. States without complete maps must not be precluded from submitting and obtaining grants, where un-served or under-served populations can be documented through other means.
- 5) **Transparency:** State plans, state applications, project rankings, awards workflow, application progress through the awards workflow, and released funding data should be established and maintained to ensure the transparency of all processes associated with BTOP.

The Association stands ready to work with NTIA and RUS to find workable solutions to these issues before implementation of a final rule. The Association looks forward to continuing its work with NTIA and RUS to improve citizens' access to broadband. States are well-positioned to help NTIA and RUS in implementing the broadband goals in the Recovery Act. If you have any questions about our comments, please do not hesitate to contact Doug Robinson at 859 514-9153. Thank you again for the opportunity to provide comments on this important proposal.

Sincerely,



Gopal Khanna, NASCIO President
Chief Information Officer, State of Minnesota